

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

|                         |   |                          |
|-------------------------|---|--------------------------|
| LEWIS KEY, JR.          | : |                          |
| a.k.a.                  | : |                          |
| SAMUEL LEWIS KEY, JR,   | : |                          |
|                         | : | CASE NO: 5:13-CV-134-MTT |
| Plaintiff,              | : |                          |
| vs.                     | : |                          |
|                         | : |                          |
| WILLIAM CURREY, et. al. | : |                          |
|                         | : |                          |
| Defendants.             | : |                          |

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ORDER ON MOTIONS

Plaintiff Lewis Key, Jr., an inmate currently confined at Coastal State Prison, has moved for an extension of time to file his notice of appeal and for leave to proceed *in forma pauperis* on appeal.

Plaintiff's Motion for an Extension of Time to File a Notice of Appeal (Doc. 35) is **DISMISSED** as **MOOT**. Judgment was entered in this case on April 30, 2014, and Plaintiff filed a timely notice of appeal (Doc. 36) on May 20, 2014. See Fed. R. App. P. 4 (a) (providing thirty days to file a notice of appeal). No extension of time is necessary.

Plaintiff's Motion to Proceed *in forma pauperis* on appeal (Doc. 37) is **DENIED**. Plaintiff seeks to appeal the Court's March 19, 2014, Order dismissing his complaint. In the Court's best judgment, an appeal from that Order cannot be taken in good faith. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith."); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed *in forma pauperis* in the district-court action . . . may proceed on appeal *in forma pauperis* . . . unless . . . the district court . . . certifies that the appeal is not taken in good faith").

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$505.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the \$505.00

immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account until the \$505.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the total filing fee of \$505.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

The Clerk of Court is hereby **DIRECTED** to mail a copy of this Order to the custodian of the prison in which Plaintiff is incarcerated. Any further requests to proceed *in forma pauperis* on appeal should be directed, on motion, to the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

**SO ORDERED**, this 23rd day of May, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

jlr